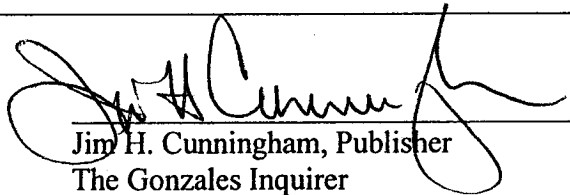


PUBLISHER'S AFFIDAVIT

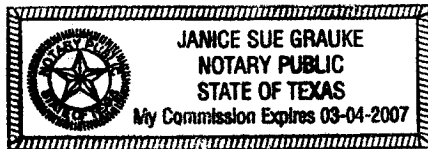
THE STATE OF TEXAS, County of Gonzales, BEFORE ME, the undersigned Authority, on this day personally appeared Jim H. Cunningham of THE GONZALES INQUIRER, a newspaper published at Gonzales, County of Gonzales and State of Texas, who, being by me duly sworn on oath, states that the advertisement of which the hereto attached clipping is a true and correct copy, was published in said newspaper in
one (1) _____ issues thereof on the following dates


10-10-2006



Jim H. Cunningham, Publisher
The Gonzales Inquirer

Subscribed and sworn to before me, this the 10th day of October, 2006





Janice Sue Grauke
Notary Public, State of Texas

More News

Group advocates fairness for ranchers.

ate the supports increased use of veterinary assistants, technicians and licensed paraprofessionals "working for and under the direction of accredited licensed veterinarians."

Finally, TSCRA members voted to support enhancement of the state/federal beef check-off program by the following means:

- 1 - Increasing the per-head fee collected for the beef check-off.
- 2 - Creating a periodic petition mechanism for cattle producers to hold a referendum on continuing the checkoff.
- 3 - Creating an enhanced

TSCRA

identity for the Federation of State Beef Councils and the Beef Board for checkoff programs.

4 - Eliminating the charter date for established national non-profit industry-governed organizations for eligibility to whose 14,100 members.

ATHENA



Featuring the

Forever 10 Diamond

The World's Most Brilliant Diamond available exclusively at

Storey Jewelers

607 St. Joseph • Gonzales
830-672-2402

MASTER JEWELER

The Gonzales Inquirer
www.gonzalesinquirer.com
Tuesday, October 24, 2006 Page 3

all of his many patients over the past 11 years. All patients are referred to Dr. Gloria Haug, Dr. Janice Weinman and Dr. William Oliver. Anyone needing records may call 830-672-3638.

VOTE for "Effectiveness"



RUSSELL

GRANT

COMMISSIONER COUNTY PET. 2

YOUR VOTE WILL BE APPRECIATED!

"EARLY VOTE" TODAY!

MONDAY • FRIDAY 8:am UNTIL 5:pm

COUNTY ANNEX (across from Wal-Mart)
City of Waelder TX

October 23rd - November 3rd, 2006

"ELECTION DAY" TUESDAY NOVEMBER 7TH, 2006

Vote at Emmanuel Fellowship Church / School
1817 St Lawrence St. Gonzales TX

een safety

The mission of the international nonprofit organization is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training and education. Visit NFPA's Web

Donnie Brzozowski
Nov. 3, 2006
Pg. 18

TO ALL THE RESIDENTS OF GONZALES COUNTY, PRECINCT #2,

When you go to the polls this week or on November 7, please take the time to "write in" Donnie Brzozowski for Commissioner of Precinct #2.

We know that Donnie Brzozowski will be an effective voice for Precinct 2, as well as a leader on the Commissioners Court for all the Citizens of Gonzales County.

As you all know, a Commissioner is responsible for budgeting all of our county tax dollars every year. This position is responsible for our county roads and supervises employees of his precinct and all of the county.

Your Commissioner has a voice in all decisions affecting you and this County. Your choice this year is very important.

Donnie Brzozowski has many years of experience in areas of business that concerns many of us. He is personally experienced with our agriculture interests including cattle raisers and poultry growers. As a land owner, he knows the importance of conservative spending to keep our taxes as low as possible. Donnie has been a small business owner and knows our concerns and problems.

Please remember that your "ONE" vote can elect our next Commissioner.

Donnie Brzozowski will be a Commissioner we can depend on to bring all of our voices and concerns to the Courthouse.

"WRITE IN" DONNIE BRZOZOWSKI FOR COMMISSIONER OF PRECINCT #2.

If you voted at the American Legion Hall in the past, you will cast your vote on Tuesday, Nov. 7 at Emmanuel Fellowship Church and School, 1817 St. Lawrence Street.

Thank you,

Friends and Supporters of Donnie Brzozowski

with drugs last week

room last week

For Reference

GONZALES, TEXAS: HOME OF MARY ALLEY

www.gonzalesinquirer.com

TUESDAY, NOVEMBER 7, 2006

OUR 152nd YEAR

the district to use the high school building which was built in 1937.

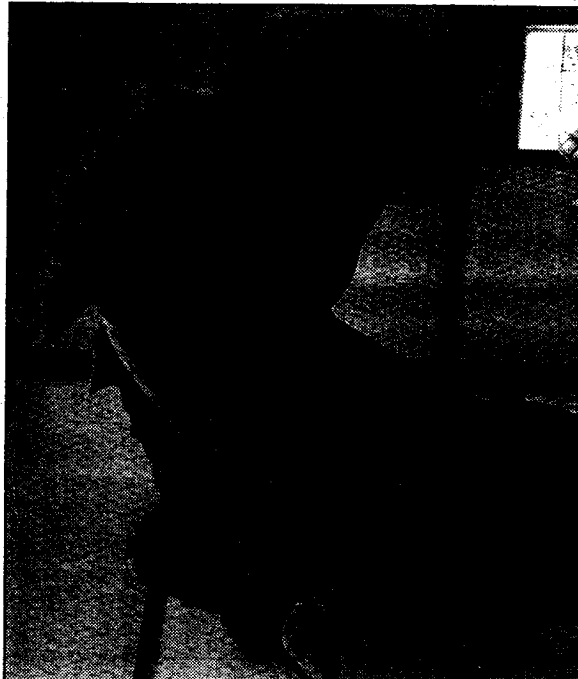
"With the renovations at the other two campuses and the addition of labs and

In 2003, the district had 264 students, but has slowly declined since then.

"I think this will bring some students back," Plymale said.

This crack along the wall of the high school has officials concerned about the status of the 1937 structure. Classes will no longer be held in the school after renovation.

Photo by RANDY REESE



ulptor Lisa Perry is shown with the lifesize bronze statue of Gonzales Joe ley as she continues to work with the committee planning the memorial at Wells Park in Gonzales.

Vith 'Joe' in new home und-raising truly starts

RANDY REESE

something all of the folks in the area should be proud of and want to help as much as possible

with Gonzales Joe Perry



Vote! General Election '06 features one local race

By RANDY REESE
Staff

Today is the day that thousands of Texans around the state go to the polls to decide who will serve as the state's governor for the next four years and also the fate of several national and state positions.

But, in Gonzales County, the only contested spot up for election today is in the Commissioner's Precinct 2 where Donnie Brzozowski battles Russell Grant.

The race has generated so much interest that 18.3 percent of the 12,101 registered voters in the county have already cast ballots either by early voting or via mail, according to figures released by County Clerk Lee Riedel.

Early voting for the General Election ended

Friday, but not before 1,860 voters came to the polls to cast early votes.

Add that to the 355 mail ballots received by Riedel's office and you have a total of 2,217 votes already cast for the election.

Only 1,900 votes were cast in the Primary Election in March.

Today, voters will be able to go to the poll beginning at 7 a.m. until 7 p.m. at the following locations:

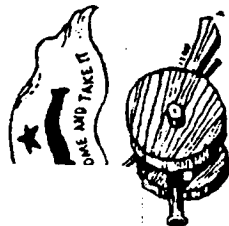
Precinct 1 - Courthouse in Gonzales.

Precinct 2 - Emmanuel Fellowship Church and School at 1817 St. Lawrence in Gonzales.

Precinct 3 - City Building in Gonzales at 820 St. Joseph.

Precinct 4 - City Building in Nixon at 100 W.

See **Vote**, Page 3



003

at 15 sites

90, Waelder;
St. Precinct 10 — Smiley Community Center, 401 Billings Street, Smiley;
W. Precinct 11 — Peach Valley Camp, County Road 357, Dilworth;
ter, Precinct 12 — Riverside Center, Water and St. Lawrence streets, Gonzales;
sion Precinct 13 — Oak Valley Baptist Church, 6242 Highway 97 West, Gonzales;
arm Precinct 14 — Community Center, Farm Road 2067, Cheapside;
ter, Precinct 15 — Guadalupe Valley Telephone Co-op Building, Farm Road 466 and State Highway 97, Cost.

tuaries

Winkenwerder, Brandon Bunch, Narvin Koehn and Michael Walsh.
Memorials may be made to Holy Cross Lutheran Church in Yoakum.
Arrangements were under the direction of Buffington Funeral Home of Yoakum.

Emillynn Moore Harryman

Emillynn Moore Harryman, 89, of Yoakum, went home to be with her Lord on Friday, March 3, 2006. She was born on December 18, 1916 to Felix Okruhlik and Anna Cerny in Praha. She was a registered nurse by profession before her retirement.

Survivors include her sons, C. L. Moore and wife and E. L. Moore, all of Yoakum; one brother, Louis, of San Antonio; three grandchildren and three great-grandchildren.

Funeral services were held Tuesday, March 7, 2006 at 11:30 a.m. at St. Joseph Catholic Church in Yoakum. Interment followed at St. Joseph Catholic Cemetery.

Funeral arrangements were under the direction of Buffington Funeral Home of Yoakum.

rt

und St. Andrew. After the pickup turned over into a ditch and a utility pole.
Other recent activity, discovered a pair of four-toes that had been reported missing. The all-terrain were recovered Feb. 26. Police said the case was turned over to the Luling department.

is putting on a free team roping and fajita every third Tuesday at Wells Arena. Participants must attend a raffle to rope. Signup at 5:30 and the start more information 5716 or visit www.fellowship.org.

Around the Chamber Office

By Barbara Hand

Wear green for St. Pat's Day

Let's all get ready for March 17 and the wearing of the green; businesses need to get out their shamrocks and decorate their windows for spring.

The phlox were poking their heads out at my house after last Saturday's rain. Our drought condition is not improving much; so we all need to start helping to conserve water by doing things we can do easily, such as check our faucets and plumbing for leaks and washing full loads in the dishwasher and washing machines. Just be aware of water left running. We can all help by saving in these small ways.

Market, Next Door at 312 St. George, owned by Sarah Beth Blackly, has been open for take-

out, and she will have the doors open for dining in when all her furniture arrives. Her hours are 8:30 a.m. to 5 p.m. Monday through Saturday. Call 672-5800.

The Nixon-Smiley Livestock Show is set for Friday and Saturday, March 10-11, with the auction at 6 p.m. Saturday.

The Texas High School Rodeo Association will be at J.B. Wells Park Friday through Sunday.

The Relay For Life will be held March 25 at the high school track field.

The Business Committee will meet on Tuesday, the Community Committee on Wednesday and Come & Take It on Thursday.

Sheriff's Report

Derrick Christopher Evans, 23, of Gonzales, was arrested Feb. 21 on a Guadalupe County warrant accusing him of theft, more than \$20,000, less than \$100,000 and on a warrant accusing him of violating conditions of parole.

Evans was transported to Guadalupe County.

Kara Dawn Brzozowski, 28, of Gonzales, was arrested Feb. 23 on a warrant accusing her of violating conditions of probation in a case of possession of a controlled substance. Bond was set at \$50,000 and Brzozowski remained in custody.

Jose Macareno, 23, of Nixon, was arrested Feb. 24 on a warrant issued on a motion to revoke probation and a deporta-

tion order. Bond was set at \$50,000 and Macareno remained in custody.

Brenda Arlene Gonzales, 44, of Kingsbury, was arrested Feb.

24 on a warrant accusing her of theft of service, \$20 or more, less than \$500. Bond was set at \$1,500 and Gonzales remained in custody.

Matamoros Taco Hut

201 St. Joseph, Gonzales • 672-8615
We deliver until 11 a.m.

BREAKFAST	LUNCH/DINNER
CHORIZO & EGG TACOS	ENCHILADAS
\$1.15 + tax	\$4.95 + tax

Open Mon. - Sat. 6:30 a.m. - 8 p.m.
Open Sun. 6 a.m. - 2 p.m.

Corrections

An error was made in a story headlined "Sixteen defendants heard in Gonzales County Court" in the Feb. 21 edition of the Inquirer.

Tom Jennings Tomlinson was granted other disposition in a case of driving while license invalid. It was erroneously reported that the infraction was driving while intoxicated.

The Inquirer apologizes for any embarrassment or inconvenience caused by the error.

An error was made in a story headlined "Gonzales police issue warning about scams" in the Feb. 28 edition of the Inquirer.

Lt. David Campos was misidentified in the story.

The Inquirer apologizes for any embarrassment or inconvenience caused by the error.

VOTE

DEMOCRAT FOR FAVOR

FOR

County Commissioner

PCT. 2

RUSSELL GRANT

TUESDAY MARCH 7, 2006 7 A.M.-7 P.M.
at the

• Emmanuel Fellowship Hall
1817 St. Lawrence St., Gonzales (across from the school bus barn)
(Precinct Number 2 was moved from American Legion due to a scheduling conflict.)
* City Building, Highway 90, Waelder

YOUR VOTE WILL BE APPRECIATED

Pol. Ad Pd. for by Russell Grant, 1406 Waco, Gonzales

The Lynn Theatre

New Spring Attractions

St. Paul

QUALITY CHEVROLET

ound the Chamber Office

By Barbara Hand

rs' Day important to us all

ote on Election Day rom 7

s first known as Armistice was changed by act of t, 1954. Please observe the ; all those who made sacri- live in a free country.

ost 4817 has planned activ- n the Harwood Road on 9 a.m. with a flag-raising

en and sausage plates will from 11 a.m. to 1 p.m., dine and at 1 p.m. they will have e will be music throughout prizes given and hamburgers

mpany has been selected as is of the Month. Owned by f Hutto, Apache opened in f 2004, offering full service, and title insurance from a nt.

Office manager Laura Walker and Melinda Gonzales have been with the firm since the beginning and they are assisted by Julie Tomas and Holly Rodriguez. Apache has just expanded, with the opening of another office in Cuero.

The Independence River Trail Community Meeting is set for Tuesday, Nov. 14 at 6:30 p.m. at the third-floor meeting room of the Randle Rather Building. The City of Gonzales, the Guadalupe-Blanco River Authority and the National Park Service will be creating a plan for the river area in Gonzales. Everyone is invited to attend the session and share ideas about the future.

There will be a ribbon-cutting ceremony on Saturday at 10:15 a.m. at the newly remodeled Jones Food Mart, 1817 St. Joseph.

The business committee will meet on Wednesday and the ag committee will meet on Wednesday. All the chamber committees will be working on their programs of work for 2007.

Texas High School Rodeo Ass'n. will have events Nov. 10-12 at Gonzales Arena.

ves ideas for Veterans' Day

first observed in 1926, becom- ing a national holiday 12 years later. On June 1, 1954, the name was changed to Veterans Day.

In 1968, a law was passed that moved the date to October, but was then switched back to November 11 ten years later because of the significance the traditional day had to many Americans.

lton Chapter

improved identification tech-

on

one

lton Chapter

From Page 1

Joe stories wanted by committee

when Joe was around here. We want to hear those stories and we need them in the documentary. It would bring things together so well."

She said the committee was getting stories from all over the country thanks to Joe Bailey's ability as a breeder during his life.

"There are stories out there that are unbelievable about the number of horses that Joe Bailey fathered when he was alive," Nesbit said. "There are

stories of large groups in rodeos and places like that who all had traits and characteristics from Gonzales Joe Bailey.

"He was truly a great horse and people in Gonzales should be proud since he carries the name of the town to all parts of the country. Through this memorial and the documentary, even more people will now about Gonzales and what Joe Bailey meant to us all."

If you have stories about Gonzales Joe Bailey and would

like to share them with the committee, you can send them to The Gonzales Joe Bailey Memorial Project, P.O. Box 273, Gonzales, Tx. 78629.

Or, you can call 830-672-6504 or go to the website at www.gonzalesjoebailey.com

The memorial is set to be ready for public viewing at J.B. Wells Park in May and will feature a life-size bronze statue of the horse.

Nesbit says it will be something to be proud of.

From Page 1

Vote could be heavy locally, statewide

Youth Camp in Gonzales at 581 CR 357.

Precinct 12 - Riverside Community Center in Gonzales at 1110 St. Lawrence.

Precinct 13 - Oak Valley Baptist Church at 6242 Hiway 97W in Gonzales.

Precinct 14 - Cheapside Community Center, 18 CR 297A in Cheapside.

Precinct 15 - Guadalupe Valley Telephone Co-op in Cost at 67 FM 466S.

The precinct 2 location was changed this year from the American Legion to The Emmanuel Fellowship Church because of a conflict of use by the American Legion.

Voters across the state will

Precinct 11 - Peach Valley

also have the task of deciding several key statewide races, including the race for governor where incumbent Rick Perry has been challenged by a group of three candidates including independents Kinky Friedman and Carole Keaton Strayhorn.

Political pundits have said that Perry is leading in that race although Democrat Chris Bell has reportedly narrowed the gap over the last few weeks making the race almost too close to call.

Locally, political observers can't seem to put a finger on the reason for the large turnout with only one race in contention. Neither candidate is able to comment on the reason either, choosing to wait until it's over.

TAB D

01/12/2007

10:16

DARRYL BECKER J.P. PCT#1 → 15124800902

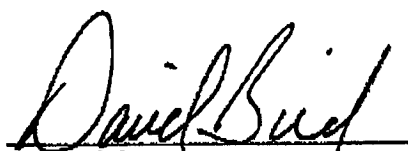
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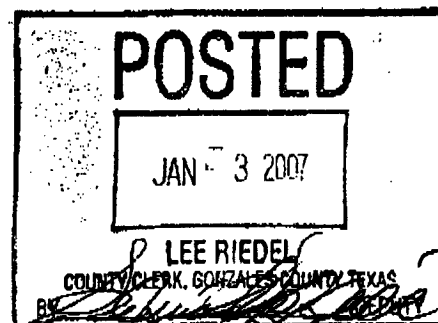
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PUBLIC NOTICE

The Commissioners Court of Gonzales County, Texas will meet in regular session Monday, January 8, 2007 at 9:00 a.m. in the Commissioners Courtroom, Courthouse, 414 St. Joseph Street, Gonzales, Texas to act upon the following agenda:

- ✓ 1. Approve the minutes of the December 21, 2006 Commissioners Court Meeting and the January 2, 2007 Called Commissioners Court Meeting.
- ✓ 2. Take up for consideration and possible action the relocation of the polling place in Election Precinct #2 (Voting Box #2) from the American Legion Building, located 1620 Robertson Street, Gonzales, Texas to the Emmanuel Fellowship Hall, located at 1817 St. Lawrence Street, Gonzales, Texas. This relocation will be a permanent polling place change and will serve all subsequent elections utilizing Election Precinct #2. The Commissioners Court will authorize submission of this change in voting procedures to the United States Department of Justice, in conformity with the Voting Rights Act of 1965.
- ✓ 3. Approve oaths and bonds of newly elected and re-elected county officials.
- ✓ 4. Approve payment of county officials on a salaried basis.
- ✓ 5. Appoint Commissioners to the Gonzales County Emergency Services Fire District #1 for a two year term. *Wicke & Cobbler*
- ✓ 6. Appoint membership to the Gonzales County Historical Commission for a two year term and designate chairperson.
- ✓ 7. Discuss with action renewal of Public Officials Liability and Law Enforcement Liability insurance.
- ✓ 8. Approve contract with Community Action Committee of Victoria for use of space in the county courthouse.
- ✓ 9. Consider and approve budget amendments.
- ✓ 10. Public Comments.
- ✓ 11. Read and approve bills.


David Bird
Gonzales County Judge



**IN THE COMMISSIONERS COURT OF
GONZALES COUNTY, TEXAS**

**ORDER RELOCATING POLLING PLACE FOR
ELECTION PRECINCT (VOTING BOX) #2, AND AUTHORIZATION FOR
SUBMISSION OF SUCH RELOCATION FOR PROSPECTIVE AND
RETROACTIVE APPLICATION**

BE IT REMEMBERED, that on the 8th day of January, 2007, after due notice as required by law, came on to be considered the issue of formal relocation of the polling place in Gonzales County Election Precinct (Voting Box) #2.

Gonzales County, Texas submitted a plan for the redistricting of all county political boundaries on September 21, 2001. That submission, received by the Department of Justice on October 1, 2001, was assigned DOJ#: 2001-3168. The redistricting plan provided for fifteen polling places, including Election Precinct #2, specifically, Election Precinct #2 was to utilize the American Legion Building, at 1620 Robertson Street, in the City of Gonzales, Texas.

Shortly before the March 7, 2006 primary election, it was discovered that the American Legion Building, under new operational management, was not available for use as a polling place on March 7, 2006. As a consequence, and in conformity with applicable state law, a new polling place was provided at the Emmanuel Fellowship Hall, located at 1817 St. Lawrence Street, Gonzales, Texas.

The Emmanuel Fellowship Hall was used again as a polling place on April 11, 2006 for a runoff primary election, and again on November 7, 2006, for the General

Election. Through inadvertence and omission, however, there was no submission of this relocation for preclearance by the United States Department of Justice, as required by the Voting Rights Act of 1965.

This Court has commissioned and has received the advice of qualified professionals experienced in the field of voting rights law to assist in the preparation of a Voting Rights submission seeking preclearance of the polling place relocation. It is the determination of this Court, based upon the foregoing, that the needs of the public will be adequately and suitably served by relocating the prior polling place for Election Precinct (Voting Box) #2 from the American Legion Building to the Emmanuel Fellowship Hall.

This relocation is necessitated by:

1. Unavailability of the American Legion Building for use as a polling place.
2. More readily accessible location for voters with disabilities as required by state law provided by Emmanuel Fellowship Hall.
3. Location of Emmanuel Fellowship Hall is reasonably convenient to the voting public, being located only 1 mile from the prior polling location.

The relocation of the polling place will have no significant adverse impact upon minority voting rights, or of the public services rendered to the residents of Gonzales County, in light of the fact that the polling place has been the de-facto polling place for the last three elections (2006 Primary, Primary Runoff and General Election).

Therefore, meeting in open session for the purpose of considering the same, and having received and considered a report from the firm of Allison, Bass & Associates,

LLP, a copy of which is attached to this Order, the Commissioners Court of Gonzales County, Texas, has determined to adopt this Order of Relocation, along with the supporting data attached to this Order in map and data form.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED, that the polling place for Election Precinct (Voting Box) #2 be permanently relocated to Emmanuel Fellowship Hall, and that this change be submitted to the United States Department of Justice as required by the Voting Rights Act of 1965.


This Order shall not affect any other boundary, and all polling places for the remaining Election Precincts shall remain unchanged.

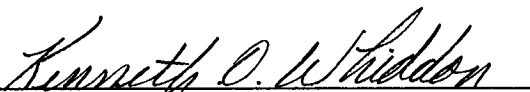
IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that this Order of Polling Place Relocation and all supporting maps and data attached to this Order are hereby APPROVED and ADOPTED by the Commissioners Court of Gonzales County, Texas. A submission of this plan, along with supporting maps, charts and/or data, will be made to the United States Department of Justice pursuant to Section 5 of the Voting Rights Act of 1964, 42 U.S.C. §1973. The Order adopted by this Court this date shall be effective, subject to Department of Justice preclearance, on January 8, 2007, and for all subsequent elections until changed or modified by later Order. It is expressly understood that implementation of this plan shall not take place until the receipt of preclearance approval by the United States Department of Justice.


This Relocation of Polling Place Order is made for the convenience and benefit of the people of Gonzales County, Texas after due and careful consideration of all factors

relevant to the issue. It is the intention of the Commissioners Court, by making this Relocation Order, to make the most efficient use of scarce public resources, and to eliminate duplication of services in county administration.


Signed this 8 day of Jan, 2007.


County Judge, Gonzales County


Commissioner, Precinct 1

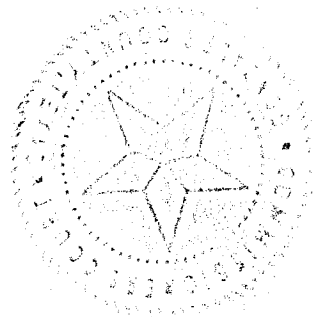

Commissioner, Precinct 2


Commissioner, Precinct 3


Commissioner, Precinct 4

ATTEST:


County Clerk, Ex Officio Clerk of the
Gonzales County Commissioners Court



ALLISON, BASS & ASSOCIATES, L.L.P.

Attorneys at Law

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J. ERIC MAGEE
e.magee@allison-bass.com

January 2, 2007

Hon. David Bird,
Gonzales County Judge
414 St. Joseph Street, Suite 200
Gonzales, Texas 78629

RE: Submission of Relocation of Polling Place to Department of Justice,
Pending litigation Grant, et al v. Gonzales County, Texas

Dear Judge Bird,

You have requested that this firm assist Gonzales County in making a submission for relocation of the polling place in Election Precinct (Voting Box) #2 from the American Legion Building to the Emmanuel Fellowship Hall, in the City of Gonzales, Texas.

Based upon information from the County Clerk, Lee Riedel, your office, and from other sources, I believe the operative facts to be as follows:

1. Prior to the 2006 elections, the polling place for Election Precinct #2 was located in the American Legion Building, located at 1620 Robertson St., Gonzales, Texas. However, approximately four years ago, the management/operations of that building were assumed by Henry Condel, who more recently began operating a restaurant in the building. The use of the space as a restaurant by Mr. Condel was not compatible with use of the space on certain dates as a polling place. It appears that arrangements for the use of the American Legion Building by the Democratic Party in the March 2006 primary were not made until only shortly before the election, and Mr. Condel was unwilling or unable to provide space for the election. As a consequence, a new location was necessary on an emergency basis.
2. Although legally the provision of a polling place for a party primary is not a County responsibility, it appears that your office issued a notice as required under §43.061 and §43.062 of the Texas election code. I understand that the Constable, Ken Hedricks, posted notice at the doors of the American Legion Building advising voters of the polling place relocation to Emmanuel Fellowship Hall.

Honorable David Bird

January 2, 2007

Page 2 of 3

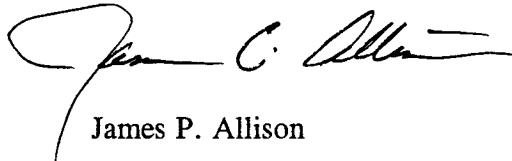
3. A lack of formalities in election location procedures has been addressed by Texas Courts. *May v. State*, 65 S.W.132 (Tex.Cr.App. 1901), involved allegations of illegal voting. In that case, the contention was made that the designation of a polling place by the Commissioners Court was mandatory, and that use of any other place than that designated by the Commissioners Court rendered the election void. This contention was rejected by the Court, with the rationale that even though a polling place might lack certain formalities, where there is a basis for the new location, and there is evidence that the place actually used as a polling place is the "usual" place for voting, the election will be deemed legal.
4. In prior cases, where necessity requires the relocation of a polling place, absent evidence that voters were substantially misled, or that persons were prevented from voting by the change, there has generally been no finding of a void election. See *Ex Parte White*, 28 S.W.542 (Tex.Cr.App. 1894); *Ex Parte Segars*, 25 S.W.26 (Tex.Cr.App. 1894).
5. In *Roper v. Scurlock*, 69 S.W.456 (Tex.Civ.App. 1902), when the place actually designated by the Commissioners Court could not be used for a voting place, and another place only a short distance away was used, and where the evidence was that voters knew where the new location was located, and there being no fraud shown, the election was proper.
6. In *Des Champ v. Featherson*, 886 S.W.2d 536 (Tex.Civ.App. 1994), a polling place was moved on the morning of the election upon the action of the election Judge. The Court held that provisions regarding time and place for holding elections are usually mandatory, but that circumstances will play a large role in determining the proper remedy for a breach. The Court discussed the various options, and held that the relocation of the polling place was a de minimus violation of the rules regarding elections, and refused to order new elections. This case is of particular interest since Section 5 violations of the federal Voting Rights Act were alleged.
7. As noted in the White case, supra, and as referred to in the Des Champ case, supra, the fact that turnout was apparently high, and that the outcome did not appear to be in question by the alleged violation was of importance. Our analysis of the November 2006 election, as compared with prior elections, reveals that turnout was high in the November election, although total turnout in the 2004 Presidential election was higher. The high turnout, and particularly the high percentage of early voting (which was not a readily available in earlier elections prior to recent amendments to the early voting statutes) suggests that both Mr. Grant and Mr. Brzozowski were actively engaged in pre-election campaigning and voter turnout. There is actually little or no evidence that the relocated polling place, in the General Election, had any adverse impact on turnout. (The Emmanuel Fellowship Hall had been used in the March Primary,

the April Runoff, and the General Election in November. Thus, by November, the Emmanuel Fellowship Hall could be argued to be the "usual" polling place.)

8. The Voting Rights Act clearly applies to such changes in voting methods, policy or procedure as a polling place relocation. Texas has been subject to the Voting Rights Act since August 6, 1975. It appears that Gonzales County may not have been specifically aware that changes in a polling place relocation required federal preclearance, but as the time honored wisdom of "ignorance of the law being no excuse" dictate, the failure of the County (or the political parties) to seek preclearance of the relocation of Voting Box #2 from the American Legion Building to the Emmanuel Fellowship Hall does constitute a "de facto" violation of Section 5 of the Voting Rights Act.
9. Although it is not recommended, Voting Rights Act submissions may be made retroactively to cure the prior oversight. We recommend that the County immediately authorize a submission of the relocation of the polling place in Voting Box #2. We have drafted a proposed Order to accomplish that task, and are prepared to file the submission and required supporting documents very quickly.
10. In this case, as noted, the first use of the relocated polling place was actually made in conjunction with a party primary. This is similar to the Des Champ v. Featherson case, supra. We believe that the fact that Gonzales County subsequently used the same relocated polling place, in the General Election, is not sufficient to justify a failure to submit the matter for federal review.
11. However, it is unlikely that any voters were misled by the relocation in the General Election, since the polling place has been used without objection in both the party primary and runoff elections.

We stand ready to assist you in this matter. If the Commissioners Court adopts the enclosed Order, please contract us immediately.

Sincerely,



James P. Allison

JPA/afb

**NOTICE OF CHANGE OF LOCATION
FOR VOTING PRECINCT #2**

Notice is hereby given to the registered voters of Precinct #2 that this precinct voting site has been changed from the American Legion Building to the Emmanual Fellowship, 1817 St. Lawrence Street, Gonzales, Texas for voting in the March 7, 2006 Primary Election. Voting will be conducted from 7:00 a.m. until 7:00 p.m.

Signature of County Judge

Date

GONZALES COUNTY

WHERE TO VOTE ON ELECTION DAY.....MARCH 7, 2006
(7:00 a.m. to 7:00 p.m.)

<u>Pct.#</u>	<u>Location</u>
1	Courthouse 414 St Joseph St., Gonzales
2	American Legion Bldg. 1620 Robertson, Gonzales MOVED TO EMMANUEL FELLOWSHIP 1817 St Lawrence Gonzales
3	City Building 820 St. Joseph, Gonzales
4	City Building 100 W 3rd St., Nixon
5	Community Center Hwy 90A West, Belmont
6	Livestock Commission Co. 1924 US Hwy 87 E, Nixon
7	Texas Elks Foundation FM 1586, Ottine
8	Community Center Hwy 90, Waelder Harwood
9	City Building Hwy 90, Waelder
10	Community Center 401 Billings, Smiley —
11	Peach Valley Camp CR 357, Dilworth
12	Riverside Center Water St & St Lawrence, Gonzales —
13	Oak Valley Baptist Church 6242 Hwy 97 W, Gonzalse —
14	Community Center FM 2067, Cheapside
15	GVTC Co-op Building FM 466 & St Hwy 97, Cost

PCT #2 moved to Emmanuel Fellowship due to conflicting schedule at
American Legion

GONZALES COUNTY

WHERE TO VOTE ON ELECTION DAY.....APRIL 11, 2006
(7:00 a.m. to 7:00 p.m.)

<u>Pct.#</u>	<u>Location</u>
1-14 & 15	Courthouse 414 St Joseph St, Gonzales
2 & 11	Emmanuel Fellowship, 1817 St Lawrence St Gonzales
3-5-7 & 8	City Building, 820 St Joseph, Gonzales
4-6-10 & 13	City Building, 100 W 3rd St, Nixon
9	City Building, Hwy 90, Waelder
12	Riverside Community Center, Water St & St Lawrence, Gonzales

GONZALES COUNTYWHERE TO VOTE ON ELECTION DAY...NOVEMBER 7, 2006
(7:00 a.m. to 7:00 p.m.)

<u>Pct.#</u>	<u>Location</u>
1	Courthouse 414 St Joseph St, Gonzales
2	Emmanuel Fellowship 1817 St Lawrence St Gonzales
3	City Building, 820 St Joseph, Gonzales
4	City Building, 100 W 3rd St, Nixon
5	Belmont Community Center (Methodist Church) 14335 Hwy. 90A W, Belmont
6	Nixon Livestock Commission, 1924 US Hwy 87 N Nixon
7	Texas Elks Children's Services (Elks Hospital) 1963 FM 1586, Ottine
8	Harwood Community Center, 101 CR 230 N, Harwood
9	City Building, 300 Hwy 90 W, Waelder
10	Smiley Community Center, 401 Billings, Smiley
11	Peach Valley Youth Camp, 581 CR 357, Gonzales
12	Riverside Community Center, 1110 St Lawrence, Gonzales
13	Oak Valley Baptist Church, 6242 Hwy 97 W, Gonzales
14	Cheapside Community Center, 18 CR 297A, Cheapside
15	Guadalupe Valley Telephone Co-op, 67 FM 466 S, Cost

Pct #2 is relocated to Emmanuel Fellowship due to conflict of use of American Legion Hall.

Reapportionment Analysis
Pre-Redistricting 2001

Exhibit E

County	Gonzales 2000					
Plan	Commissioners					
Precinct	Population	Difference	Deviation			
1	3985	-672	-14.43%			
2	5081	424	9.10%			
3	4937	280	6.01%			
4	4625	-32	-0.69%			
Total	18628					
Ideal	4657					
	District	Number	Difference	Deviation		
Largest	2	5081	424	9.10%	TMD%	
Smallest	1	3985	-672	-14.43%	23.53%	
Ethnic	Analysis	Anglo	Hispanic	Black	Other	
Precinct						Totals
1	Population	2711	1130	104	40	3985
	Percentage	68.0%	28.4%	2.6%	1.0%	21.4%
2	Population	2084	2015	894	88	5081
	Percentage	41.0%	39.7%	17.6%	1.7%	27.3%
3	Population	2493	2012	384	48	4937
	Percentage	50.5%	40.8%	7.8%	1.0%	26.5%
4	Population	2251	2224	111	39	4625
	Percentage	48.7%	48.1%	2.4%	0.8%	24.8%
	Totals	9539	7381	1493	215	18628
	Percentage	51.2%	39.6%	8.0%	1.2%	100.0%

EXHIBIT "C"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO
EXISTING COMMISSIONER PRECINCT BOUNDARIES
PRIOR TO REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	3,135	2,082	98	926	29
	14	128	101	0	27	0
	15	<u>722</u>	<u>528</u>	<u>6</u>	<u>177</u>	<u>11</u>
	Total	3,985	2,711 (68.0)	104 (2.6)	1,130 (28.4)	40 (1.0)
#2	2	3,192	1,252	613	1,265	62
	9	1,438	432	263	717	26
	11	<u>451</u>	<u>400</u>	<u>18</u>	<u>33</u>	<u>0</u>
	Total	5,081	2,084 (41.0)	894 (17.6)	2,015 (39.7)	88 (1.7)
#3	3	3,566	1,497	255	1,776	38
	5	471	361	56	52	2
	7	471	318	53	93	7
	8	<u>429</u>	<u>317</u>	<u>20</u>	<u>91</u>	<u>1</u>
	Total	4,937	2,493 (50.5)	384 (7.8)	2,012 (40.8)	48 (0.9)
#4	4	2,186	769	51	1,346	20
	6	848	490	14	340	4
	10	924	537	2	380	5
	12	213	160	3	50	0
	13	<u>454</u>	<u>295</u>	<u>41</u>	<u>108</u>	<u>10</u>
	Total	4,625	2,251 (48.7)	111 (2.4)	2,224 (48.1)	39 (0.8)
Grand Total		18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

IDEAL: 4,657

VARIANCE: 23.54%

Source: Manual interpretation of 2000 Census information provided by the U.S. Bureau of the Census.

gcrpc 6/25/01

EXHIBIT "C"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO EXISTING
ELECTION PRECINCTS
PRIOR TO REDISTRICTING

Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
1	3,135	2,082 (66.4)	98 (3.1)	926 (29.6)	29 (0.9)
2	3,192	1,252 (39.2)	613 (19.2)	1,265 (39.6)	62 (2.0)
3	3,566	1,497 (42.0)	255 (7.1)	1,776 (49.8)	38 (1.1)
4	2,186	769 (35.2)	51 (2.3)	1,346 (61.6)	20 (0.9)
5	471	361 (76.6)	56 (11.9)	52 (11.1)	2 (0.4)
6	848	490 (57.8)	14 (1.6)	340 (40.1)	4 (0.5)
7	471	318 (67.5)	53 (11.3)	93 (19.7)	7 (1.5)
8	429	317 (73.9)	20 (4.7)	91 (21.2)	1 (0.2)
9	1,438	432 (30.0)	263 (18.3)	717 (49.9)	26 (1.8)
10	924	537 (58.1)	2 (0.2)	380 (41.1)	5 (0.6)
11	451	400 (88.7)	18 (4.0)	33 (7.3)	0 (0.0)
12	213	160 (75.1)	3 (1.4)	50 (23.5)	0 (0.0)
13	454	295 (65.0)	41 (9.0)	108 (23.8)	10 (2.2)
14	128	101 (78.9)	0 (0.0)	27 (21.1)	0 (0.0)
15	<u>722</u>	<u>528 (73.2)</u>	<u>6 (0.8)</u>	<u>177 (24.5)</u>	<u>11 (1.5)</u>
Grand Total	18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

EXHIBIT "C"

GONZALES COUNTY
2000 VOTING AGE POPULATIONS APPLIED TO
EXISTING COUNTY COMMISSIONER PRECINCT BOUNDARIES
PRIOR TO REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	2,358	1,661	78	598	21
	14	85	70	0	15	0
	15	<u>524</u>	<u>411</u>	<u>4</u>	<u>102</u>	<u>7</u>
	Total	2,967	2,142 (72.2)	82 (2.8)	715 (24.1)	28 (0.9)
#2	2	2,277	998	437	806	36
	9	1,052	374	179	487	12
	11	<u>351</u>	<u>314</u>	<u>13</u>	<u>24</u>	<u>0</u>
	Total	3,680	1,686 (45.8)	629 (17.1)	1,317 (35.8)	48 (1.3)
#3	3	2,424	1,167	157	1,083	17
	5	370	294	43	31	2
	7	368	257	40	64	7
	8	<u>327</u>	<u>257</u>	<u>12</u>	<u>57</u>	<u>1</u>
	Total	3,489	1,975 (56.6)	252 (7.2)	1,235 (35.4)	27 (0.8)
#4	4	1,497	575	40	871	11
	6	603	388	9	205	1
	10	686	417	2	263	4
	12	154	122	3	29	0
	13	<u>345</u>	<u>240</u>	<u>29</u>	<u>70</u>	<u>6</u>
	Total	3,285	1,742 (53.0)	83 (2.5)	1,438 (43.8)	22 (0.7)
Grand Total		13,421	7,545 (56.2)	1,046 (7.8)	4,705 (35.1)	125 (0.9)

Reapportionment Analysis
Post Redistricting 2001

Exhibit F

County	Gonzales 2001					
Plan	Commissioners					
Precinct	Population	Difference	Deviation			
1	4649	-8	-0.17%			
2	4625	-32	-0.69%			
3	4641	-16	-0.34%			
4	4713	56	1.20%			
Total	18628					
Ideal	4657					
	District	Number	Difference	Deviation		
Largest	4	4713	56	1.20%	TMD%	
Smallest	2	4625	-32	-0.69%	1.89%	
Ethnic	Analysis	Anglo	Hispanic	Black	Other	
Precinct						Totals
1	Population	2940	1470	190	49	4649
	Percentage	63.2%	31.6%	4.1%	1.1%	25.0%
2	Population	1896	1810	828	91	4625
	Percentage	41.0%	39.1%	17.9%	2.0%	24.8%
3	Population	2442	1761	400	38	4641
	Percentage	52.6%	37.9%	8.6%	0.8%	24.9%
4	Population	2261	2340	75	37	4713
	Percentage	48.0%	49.6%	1.6%	0.8%	25.3%
	Totals	9539	7381	1493	215	18628
	Percentage	51.2%	39.6%	8.0%	1.2%	100.0%

EXHIBIT "D"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO EXISTING
ELECTION PRECINCTS
AFTER REDISTRICTING

Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
1	3,978	2,451 (61.6)	188 (4.7)	1,300 (32.7)	39 (1.0)
2	2,984	1,288 (43.2)	555 (18.6)	1,076 (36.0)	65 (2.2)
3	2,937	1,213 (41.3)	231 (7.9)	1,469 (50.0)	24 (0.8)
4	2,186	769 (35.2)	51 (2.3)	1,346 (61.6)	20 (0.9)
5	804	594 (73.9)	96 (11.9)	108 (13.4)	6 (0.8)
6	817	473 (57.9)	14 (1.7)	327 (40.0)	3 (0.4)
7	471	318 (67.5)	53 (11.3)	93 (19.7)	7 (1.5)
8	429	317 (73.9)	20 (4.7)	91 (21.2)	1 (0.2)
9	1,438	432 (30.0)	263 (18.3)	717 (49.9)	26 (1.8)
10	924	537 (58.1)	2 (0.2)	380 (41.1)	5 (0.6)
11	203	176 (86.7)	10 (4.9)	17 (8.4)	0 (0.0)
12	283	136 (48.1)	0 (0.0)	145 (51.2)	2 (0.7)
13	503	346 (68.8)	8 (1.6)	142 (28.2)	7 (1.4)
14	128	101 (78.9)	0 (0.0)	27 (21.1)	0 (0.0)
15	<u>543</u>	<u>388 (71.5)</u>	<u>2 (0.4)</u>	<u>143 (26.3)</u>	<u>10 (1.8)</u>
Grand Total	18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

EXHIBIT "D"

GONZALES COUNTY
2000 CENSUS FIGURES APPLIED TO
PROPOSED COMMISSIONER PRECINCTS
AFTER REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	3,978	2,451	188	1,300	39
	14	128	101	0	27	0
	15	<u>543</u>	<u>388</u>	<u>2</u>	<u>143</u>	<u>10</u>
	Total	4,649	2,940 (63.2)	190 (4.1)	1,470 (31.6)	49 (1.1)
#2	2	2,984	1,288	555	1,076	65
	9	1,438	432	263	717	26
	11	<u>203</u>	<u>176</u>	<u>10</u>	<u>17</u>	<u>0</u>
	Total	4,625	1,896 (41.0)	828 (17.9)	1,810 (39.1)	91 (2.0)
#3	3	2,937	1,213	231	1,469	24
	5	804	594	96	108	6
	7	471	318	53	93	7
	8	<u>429</u>	<u>317</u>	<u>20</u>	<u>91</u>	<u>1</u>
	Total	4,641	2,442 (52.6)	400 (8.6)	1,761 (38.0)	38 (0.8)
#4	4	2,186	769	51	1,346	20
	6	817	473	14	327	3
	10	924	537	2	380	5
	12	283	136	0	145	2
	13	<u>503</u>	<u>346</u>	<u>8</u>	<u>142</u>	<u>7</u>
	Total	4,713	2,261 (48.0)	75 (1.6)	2,340 (49.6)	37 (0.8)
Grand Total		18,628	9,539 (51.2)	1,493 (8.0)	7,381 (39.6)	215 (1.2)

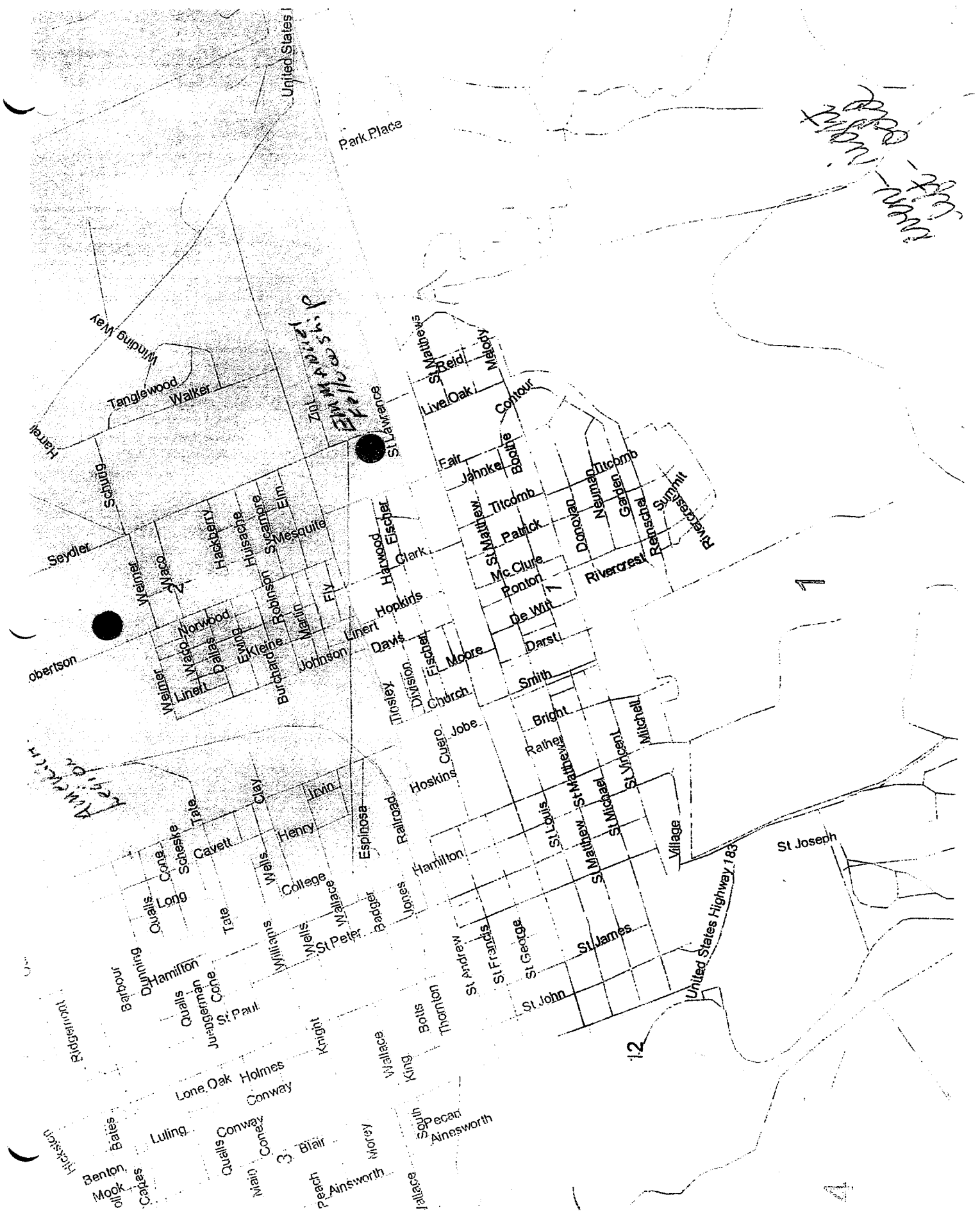
IDEAL: 4,657

VARIANCE: 1.9%

EXHIBIT "D"

GONZALES COUNTY
2000 VOTING AGE POPULATIONS APPLIED TO
PROPOSED COUNTY COMMISSIONER PRECINCT BOUNDARIES
AFTER REDISTRICTING

Precinct	Election Precinct	Total	White	Black or African American	Hispanic or Latino	Other
#1	1	2,953	1,936	137	857	23
	14	85	70	0	15	0
	15	<u>391</u>	<u>301</u>	<u>2</u>	<u>82</u>	<u>6</u>
	Total	3,429	2,307 (67.3)	139 (4.1)	954 (27.8)	29 (0.8)
#2	2	2,132	1,032	399	664	37
	9	1,052	374	179	487	12
	11	<u>160</u>	<u>142</u>	<u>7</u>	<u>11</u>	<u>0</u>
	Total	3,344	1,548 (46.3)	585 (17.5)	1,162 (34.7)	49 (1.5)
#3	3	1,983	942	142	886	13
	5	635	491	72	68	4
	7	368	257	40	64	7
	8	<u>327</u>	<u>257</u>	<u>12</u>	<u>57</u>	<u>1</u>
	Total	3,313	1,947 (58.8)	266 (8.0)	1,075 (32.4)	25 (0.8)
#4	4	1,497	575	40	871	11
	6	585	375	9	201	0
	10	686	417	2	263	4
	12	218	116	0	100	2
	13	<u>349</u>	<u>260</u>	<u>5</u>	<u>79</u>	<u>5</u>
	Total	3,335	1,743 (52.3)	56 (1.7)	1,514 (45.4)	22 (0.6)
Grand Total		13,421	7,545 (56.2)	1,046 (7.8)	4,705 (35.1)	125 (0.9)



[illegible]

Demographic Analysis
Pre-2001 Redistricting

Exhibit I

Total Population (2000 Census data)-Pre-Redistricting					
Voting Box	Total Pop	Anglo	Black	Hispanic	Other
2	3192	1252	613	1265	62
		39.2%	19.2%	39.6%	1.9%
9	1438	432	263	717	26
		30.0%	18.3%	49.9%	1.8%
11	451	400	18	33	0
		88.7%	4.0%	7.3%	0.0%
	5081	2084	894	2015	88
		41.0%	17.6%	39.7%	1.7%
Voting Age Population (2000 Census Data)-Pre-Redistricting					
Voting Box	Total Pop	Anglo	Black	Hispanic	Other
2	2277	998	437	806	36
		43.8%	19.2%	35.4%	1.6%
9	1052	374	179	487	12
		35.6%	17.0%	46.3%	1.1%
11	351	314	13	24	0
		89.5%	3.7%	6.8%	0.0%
	3680	1686	629	1317	48
		45.8%	17.1%	35.8%	1.3%